

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Sep 18, 2019**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Ryan Lee Hayes

Case Number: 0980 2:19CR00117-RMP-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Ann Aiken, Chief U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: January 8, 2013

Date of Revocation Sentence: February 7, 2019

Original Offense: Bank Robbery, 18 U.S.C. § 2113

Original Sentence: Prison - 71 months  
TSR - 36 months

Type of Supervision: Supervised Release

Revocation

Sentence: Prison - 6 months  
(02/07/2019) TSR - 27 months

Asst. U.S. Attorney: U.S. Attorney's Office

Date Supervision Commenced: June 20, 2019

Defense Attorney: Federal Defenders Office

Date Supervision Expires: September 19, 2021

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**PETITIONING THE COURT**

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 08/28/2019.

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

|   |   |
|---|---|
| 3 | <b><u>Mandatory Condition #3:</u></b> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. |
|---|---|

**Supporting Evidence:** Mr. Hayes violated the terms of his supervised release by consuming a controlled substance, methamphetamine, on or about August 26, 2019.

On July 11, 2019, a supervision intake was completed in the Eastern District of Washington. The conditions of supervision were reviewed with Mr. Hayes. He signed a copy of his judgment, indicating acknowledgment of the conditions imposed by the Court, to include mandatory condition number 3, noted above.

On August 26, 2019, Mr. Hayes reported to the U.S. Probation Office. A urinalysis test was taken that day. The sample was sent to the laboratory for additional testing. The lab report

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has been received and confirmed a positive presence for methamphetamine. In addition, that sample was noted to be a dilute specimen, indicating efforts made by the offender to conceal drug use.

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**Special Condition #2:** You must submit to substance abuse testing to determine if you have used a prohibited substance. Such testing may include up to twelve (12) urinalysis tests per month. You must not attempt to obstruct or tamper with the testing methods.

**Supporting Evidence:** Mr. Hayes violated the terms of his supervised release by failing to appear for urinalysis testing on or about August 30, September 16, 17, and 18, 2019.

On July 11, 2019, a supervision intake was completed in the Eastern District of Washington. The conditions of supervision were reviewed with Mr. Hayes. He signed a copy of his judgment, indicating acknowledgment of the conditions imposed by the Court, to include standard condition number 2, noted above.

On August 30, 2019, Mr. Hayes failed to appear for random urinalysis testing at Pioneer. On September 4, Mr. Hayes reported to the U.S. Probation Office to address this matter and was reminded of his drug testing requirement.

On September 16, 2019, Mr. Hayes failed to appear for another random urinalysis test at Pioneer.

On September 17, 2019, efforts were made to contact Mr. Hayes to have him report that same day. Mr. Hayes did not answer any phone calls. The undersigned officer sent a text message and email directing him to report for urinalysis testing. The undersigned officer reached out to his employer, who is also his uncle and landlord. He advised that Mr. Hayes had not been to work in 2 days. Mr. Hayes failed to report on this date. Mr. Hayes' uncle later confirmed that he had text correspondence with Mr. Hayes and Mr. Hayes acknowledged receiving messages from the undersigned officer.

On September 18, 2019, at approximately 8:30 a.m., Mr. Hayes called the undersigned officer. He indicated he just woke up and just got a phone. He was directed to report for urinalysis testing within the next 2 hours. Mr. Hayes stated he would not be reporting. The undersigned officer attempted to explain how his choices can negatively impact his supervision and desire to have a relationship with his son.

The phone call was ended by Mr. Hayes after he stated "Fuck you and my child". Mr. Hayes failed to report this date, thereby, failed to submit to urinalysis testing.

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**Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

**Supporting Evidence:** Mr. Hayes violated the terms of his supervised release by failing to report to the United States Probation Office, on or about September 17 and 18, 2019.

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On July 11, 2019, a supervision intake was completed in the Eastern District of Washington. The conditions of supervision were reviewed with Mr. Hayes. He signed a copy of his judgment, indicating acknowledgment of the conditions imposed by the Court, to include standard condition number 2, noted above.

On September 17, 2019, efforts were made to contact Mr. Hayes to have him report that same day. Mr. Hayes did not answer any phone calls. The undersigned officer sent a text message and email directing him to report for urinalysis testing. The undersigned officer reached out to his employer, who is also his uncle and landlord. He advised that Mr. Hayes had not been to work in 2 days. Mr. Hayes failed to report this date. Mr. Hayes' uncle later confirmed that he had text correspondence with Mr. Hayes and Mr. Hayes acknowledged receiving messages from the undersigned officer.

On September 18, 2019, at approximately 8:30 a.m., Mr. Hayes called the undersigned officer. He indicated he just woke up and just got a phone. He was directed to report for urinalysis testing within the next 2 hours. Mr. Hayes stated he would not be reporting. The undersigned officer attempted to explain how his choices can negatively impact his supervision and desire to have a relationship with his son.

The phone call was ended by Mr. Hayes after he stated "Fuck you and my child". There was then some text messaging that included additional efforts to have Mr. Hayes report. Mr. Hayes failed to report on this date.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 18, 2019

s/Melissa Hanson

Melissa Hanson  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

9/18/2019

Date